



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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January 31, 2013

TO: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Wendy L. Watanabe
Auditor-Controller

SUBJECT: **PROBATION DEPARTMENT JUVENILE HALLS DEPARTMENT OF
JUSTICE SETTLEMENT AGREEMENT FOLLOW-UP REVIEW**

We have completed a follow-up review of our February 8, 2012 report on the Probation Department's (Probation or Department) compliance with the federal Department of Justice (DOJ) settlement agreement provisions for the juvenile halls. Our original report indicated that Probation was not always complying with all the settlement agreement requirements. Our original report included 16 recommendations to improve the Department's compliance. This follow-up review covers the status of our recommendations from December 1, 2011 through February 29, 2012.

Results of Review

Probation had fully implemented eight (50%) of our 16 recommendations, partially implemented two (13%) recommendations, and had not implemented six (38%) recommendations. Probation needs to continue to ensure that supervisors conduct timely reviews of soft restraint usage, physical interventions, and chemical restraint incidents. Probation also needs to ensure that staff do not leave minors under enhanced supervision unattended, and that the minors keep their hands, wrists, arms, and entire neck and facial areas visible while under enhanced supervision. In addition, Probation needs to collect the access to care forms daily, and implement a universal oleoresin capsicum (OC or pepper spray) "do not spray" list at the juvenile halls.

Review of Report

We discussed the results of our follow-up review with Probation. Probation management indicated that they agree with our findings and new recommendations, and that they will ensure that the outstanding recommendations are implemented. Probation's response (Attachment II) indicates the actions they have already taken to implement the new recommendations. We plan to conduct another follow-up review within six months to determine the status of the outstanding recommendations.

We thank Probation management and staff for their cooperation and assistance during our review. Please call me if you have any questions, or your staff may contact Don Chadwick at (213) 253-0301.

WLW:JLS:DC:AA

Attachments

c: William T Fujioka, Chief Executive Officer
Jerry E. Powers, Chief Probation Officer
Public Information Office
Audit Committee

**LOS ANGELES COUNTY PROBATION DEPARTMENT
DEPARTMENT OF JUSTICE JUVENILE HALLS SETTLEMENT AGREEMENT
MONITORING RESULTS FOLLOW-UP REVIEW**

SUBSTANCE ABUSE (DOJ Provision 16)

Recommendation 1

Probation management ensure staff maintain accurate control logs to ensure all minors receive requested substance abuse treatment.

Current Status: IMPLEMENTED

We reviewed 60 substance abuse referrals from December 2011 through February 2012, and noted that the Probation Department (Probation or Department) maintained accurate control logs for all 60 referrals. In addition, the minors received the requested substance abuse treatment as required.

USE OF SOFT RESTRAINTS (DOJ Provision 18)

Recommendation 2

Probation management ensure that supervisors complete reviews of soft restraint incidents within the required timeframe.

Current Status: NOT IMPLEMENTED

We reviewed five soft restraint incidents that occurred from December 2011 through February 2012, and noted that supervisors did not complete any of the incident reviews within five business days, as required. The five reviews were completed an average of 66 business days late. In addition, the supervisors did not document the reasons for the delays in the Safe Crisis Management (SCM) incident packets as required.

Recommendation 3

Probation management ensure that staff who apply soft restraints are properly trained.

Current Status: IMPLEMENTED

Probation management trained all 14 staff reviewed on the proper use of soft restraints.

ACCESS TO CARE (DOJ Provisions 19 and 43)**Recommendation 4**

Probation management ensure that requests for medical, dental, and mental health services mistakenly placed in Probation's lockboxes are forwarded to the appropriate agency.

Current Status: PARTIALLY IMPLEMENTED

We observed areas where minors congregate, and inspected the lockboxes, forms, and signs available to assist minors in accessing services at the juvenile halls. In addition, we reviewed Probation's access to care logs, and sampled 30 request forms that minors mistakenly placed in the wrong lockboxes. We noted all 30 requests were submitted to the appropriate agency, and the minors received the requested services. However, we noted that the grievance officers at each facility did not collect the access to care forms on a daily basis as required. Specifically, six (20%) of the 30 request forms reviewed were collected an average of five days late. Probation could not explain the delays in collecting the request forms. .

New Recommendation

1. Probation management ensure that grievance officers collect the access to care forms daily.

CARE FOR SELF-HARMING YOUTH (DOJ Provision 26)**Recommendation 5**

Probation management ensure that minors are transported to a psychiatric hospital or specialized treatment facility within two hours following a request from the Department of Mental Health or Juvenile Court Health Services (JCHS).

Current Status: IMPLEMENTED

Probation changed their policy to increase the transportation time from two to four hours. We evaluated the response time for 11 psychiatric emergency transportation requests from December 2011 through February 2012, and noted that Probation transported all 11 minors to a psychiatric hospital or treatment facility within four hours.

STAFFING LEVELS (DOJ Provision 27)**Recommendation 6**

Probation management investigate the instance of staff not at her assigned post leaving ten minors unattended, and take appropriate disciplinary action.

Current Status: NOT IMPLEMENTED

Probation investigated and disciplined the staff who left ten minors unattended in our original report. However, during our follow-up review, we observed another instance where a staff left his assigned post, leaving two minors on enhanced supervision (minors who were in danger of inflicting self-harm) unattended in their cell units. After our review, Probation management investigated the incident and disciplined the staff.

New Recommendation

2. Probation management ensure staff adequately supervise minors on enhanced supervision.

Recommendation 7

Probation management ensure that all minors on enhanced supervision keep their hands, wrists, arms, and entire neck and facial areas visible at all times.

Current Status: NOT IMPLEMENTED

We observed four minors on enhanced supervision who were completely covered by bed sheets and/or blankets, while asleep in their beds. After our review, Probation management disciplined the staff involved in the incident.

CHEMICAL RESTRAINT (DOJ Provision 28)**Recommendation 8**

Probation management ensure that supervisors complete a timely and thorough review of oleoresin capsicum (OC or pepper spray) incidents.

Current Status: NOT IMPLEMENTED

We reviewed 15 OC spray incidents from December 2011 through February 2012, and noted that supervisors did not complete 12 (87%) of the reviews within five business days. The 12 reviews were completed an average of 20 business days late. In addition, the supervisors did not document the reasons for the delays in the SCM incident packets, as required.

Recommendation 9

Probation management ensure that staff review the "psychotropic medication list" prior to their shift, and discipline staff that administer OC spray to minors on the list without proper justification.

Current Status: IMPLEMENTED

We reviewed 15 OC spray incidents involving minors on the “psychotropic medication list”, and noted that Probation staff signed the psychotropic medication list before their shifts, and provided proper justification for using OC spray on these minors. However, Probation does not maintain a universal “do not spray” list that identifies all minors with medical conditions (e.g., heart disease, asthma, etc.) who could have an adverse reaction to OC spray. Probation and JCHS indicated that they were developing a universal “do not spray” list that will include minors on psychotropic medications, and minors with other medical conditions.

New Recommendation

3. Probation management develop a universal “do not spray list”; ensure that staff review the “do not spray list” before their shift; and discipline staff who administer OC spray to minors on the list without proper justification.

Recommendation 10

Probation management ensure that inventory discrepancies are properly documented, reasons for replacing OC spray canisters are documented, and obsolete OC spray canisters are properly disposed.

Current Status: IMPLEMENTED

We reviewed Probation's inventory logs, 32 OC spray replacement canisters, and eight inventory discrepancies that occurred between December 2011 through February 2012. We noted that Probation appropriately documented the eight inventory discrepancies, and the reasons for replacing the 32 OC spray canisters. Probation also properly disposed of the obsolete canisters.

Recommendation 11

Probation management ensure that Probation Officers carry their OC spray canisters in their holster on their belts while on duty.

Current Status: NOT IMPLEMENTED

We randomly interviewed 15 Probation Officers at the juvenile halls, and observed that three (20%) of the 15 did not have their OC spray canisters in their holsters on their belts while on duty. The three staff subsequently retrieved their canisters from their lockers.

PHYSICAL INTERVENTION (DOJ Provisions 29 and 32)**Recommendation 12**

Probation management ensure that the designated facility supervisors complete their review of the staff's use of physical intervention within the required timeframe, or document the reason(s) for the delays in the SCM Incident Review Packet.

Current Status: NOT IMPLEMENTED

We reviewed 15 physical intervention incidents from December 2011 through February 2012, and noted that supervisors did not complete six (40%) of the incident reviews within five business days, as required. The six reviews were completed an average of 32 business days late. In addition, the supervisors did not document the reasons for the delays in the SCM incident packets, as required.

Recommendation 13

Probation management ensure that the unit supervisors inform the facility supervisors of physical interventions within the required timeframe.

Current Status: IMPLEMENTED

The unit supervisors informed the facility supervisors of the physical intervention within the required timeframes for all 15 incidents reviewed.

YOUTH ON YOUTH VIOLENCE (YOYV) (DOJ Provision 35)**Recommendation 14**

Probation management consider developing outcome measures, and monitor the results to determine whether their strategies for reducing YOYV are effective.

Current Status: PARTIALLY IMPLEMENTED

Probation does not have a system for measuring the effectiveness of their strategies for reducing YOYV. Probation collects statistical data related to YOYV, and performs a monthly trending analysis that shows that YOYV incidents decreased by 8% from February 2010 to February 2012. However, Probation's analysis does not account for the reduction in the number of minors in the juvenile halls during the same period. From February 2010 to February 2012, the juvenile halls' population decreased by 29%.

GRIEVANCE (DOJ Provision 38)

Recommendation 15

Probation management ensure that grievance officers address all grievances within the required timeframe.

Recommendation 16

Probation management ensure that grievances are reviewed and signed off by a juvenile hall director, and the grievances are entered into Probation's Case Management System (PCMS).

Current Status: IMPLEMENTED

We reviewed 15 grievances that were filed from December 2011 through February 2012, and noted that Probation addressed all 15 within the required timeframes. In addition, all 15 grievances were resolved, entered into PCMS, and signed off by a juvenile hall director.



JERRY E. POWERS
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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November 21, 2012

To: Wendy L. Watanabe
Auditor-Controller
500 West Temple Street
Los Angeles, California 90012

From: Elizabeth Garcia, Bureau Chief *EB*
Detention Services Bureau

**SUBJECT: RESPONSE TO THE AUDITOR CONTROLLER'S FOLLOW-UP
REVIEW OF THE FEBRUARY 2012 REPORT**

The following is in response to additional recommendations presented by your office regarding the February 2012 Report dated November 14, 2012.

ACCESS TO CARE (DOJ Provisions 19 and 43)

A/C New Recommendation:

Probation ensures that Grievance Officers collect the access to care forms daily.

Probation Department's Response:

AGREE Work instructions have been issued to all Grievance Officers instructing them to pick up the access to care forms daily and process them according to policy. Further, we will continue to audit for compliance.

CHEMICAL RESTRAINT (DOJ Provision 28)

New Recommendation:

Probation management develop a universal "do not spray list", ensure that staff review the "do not spray list" prior to their shift, and discipline staff that administer OC spray to minors on the list without proper justification.

Probation Department's Response:

AGREE Probation is currently working with JCHS and DMH to develop a Psychotropic Medication list and a "Fragile Minor" list through the PEMRS system. As we await the PEMRS system we will implement a hand written system.

Rebuild Lives and Provide for Healthier and Safer Communities

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STAFFING LEVELS (DOJ Provision 27)

New Recommendation:

Probation management ensure staff adequately supervise minors on enhanced supervision.

Probation Department's Response:

AGREE: Probation will remind all staff to adhere to Directive 1188 (Enhanced and Specialized Supervision Requirements for minors in Juvenile Facilities). Further, we will continue to audit for compliance.

If you need additional information, please let me know.

C: Felicia Cotton, Chief Deputy Institutions